

**REMARKS/ARGUMENTS**

Claims 1-6 are present in this application. By this Amendment, the specification and claim 1 have been amended, and claim 6 has been added. Reconsideration in view of the above amendments and the following remarks is respectfully requested.

Claims 1-5 were rejected under 35 U.S.C. §103(a) over Japanese Patent Publication 2000-84436 to Takeda in view of U.S. Patent No. 5,523,056 to Miller, U.S. Patent No. 5,419,871 to Muszak et al., and U.S. Patent No. 6,589,789 to Hubert et al. This rejection is respectfully traversed.

At the outset, Applicant respectfully submits that the Office Action fails to set forth a *prima facie* case of obviousness. It is well settled that “obviousness cannot be established by combining the teachings of the prior art to produce the claimed invention, absent some teaching or suggestion supporting the combination. Under §103, teachings of references can be combined only if there is some suggestion or incentive to do so.” *ACS Hosp. Sys., Inc. v. Montefiore Hosp.*, 221 USPQ 929, 932, 933 (Fed. Cir. 1984).

Without conceding the Office Action’s characterizations of the cited patents, the Office Action recognizes that the Takeda publication lacks stacked specimen centrifuges, the rack elevator and a robot arm device mounted on the rack elevator. The Office Action combines the teachings of three additional references to purportedly meet these features of the invention and contends that it would have been obvious to modify the Takeda structure to incorporate these features in view of the cited patents. As noted, without some suggestion or incentive to combine the teachings of the references, such a combination is improper.

The structure in the Muszak patent processes slide test elements in an incubator. The slide test elements E, E’ are loaded in and unloaded from the incubators by a pusher. The Miller

structure utilizes similar slide elements. Applicant respectfully submits that those of ordinary skill in the art would not have been motivated to utilize a robot arm with an elevator assembly for test slides as such an arm would have difficulty grasping and maneuvering the slides. Indeed, Applicant submits that those of ordinary skill in the art would not look to the Miller and Muszak patents to modify the test slide pushing mechanism as such a modification would be detrimental to use and operation of the disclosed structures.

Moreover, claim 1 recites that the rack elevator has . . . a robot arm device which is lifted up and down by the elevator and horizontally conveys the specimen-container rack to one of the specimen centrifuges. The structure of the elevator assembly in the Muszak patent would not benefit in any manner from a robot arm mounted thereon. Additionally, the robot arm 18 in the Hubert patent is provided generally on or above the centrifugal station 10 and it is configured such that raising and lowering of the robot arm via an elevator are not required. As a consequence, neither reference suggests the modification proposed in the Office Action. For this reason also, Applicant submits that the rejection is misplaced.

Still further, claim 1 has been amended to recite that the rack elevator has an elevator provided at a side of the centrifuge unit. This structure is also lacking in the applied references.

With respect to the dependent claims, Applicant submits that these claims are allowable at least by virtue of their dependency on an allowable independent claim. In addition, claims 4 and 5 recite that the specimen centrifuges are insertably and removably stored in cabinets that are provided in respective layers. The Office Action vaguely references a cabinet 16 that encloses the centrifuge in the Hubert patent. The applied references, however, including the Hubert patent, in fact lack a cabinet provided in respective layers and additionally lack any teaching or suggestion of the specimen centrifuges being insertably and removably stored in such cabinets as

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claimed. The dismissive reference to "a cabinet 16" in the Hubert patent disregards the nature of the claimed subject matter.

Reconsideration and withdrawal of the rejection are respectfully requested.

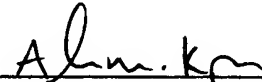
Claim 6 has been added and defines the cabinet in which the specimen centrifuges are stored having a window for each of the specimen centrifuges through which the robot arm device loads the specimen containers in the specimen centrifuges. This subject matter is also lacking the references of record.

In view of the foregoing amendments and remarks, Applicant respectfully submits that the claims are patentable over the art of record and that the application is in condition for allowance. Should the Examiner believe that anything further is desirable in order to place the application in condition for allowance, the Examiner is invited to contact Applicant's undersigned attorney at the telephone number listed below.

Prompt passage to issuance is earnestly solicited.

Respectfully submitted,

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